

AT A

## GENERAL ASSEMBLY

BEGUN AND HELD

At the Public Buildings in the City of  
Richmond, on Monday the seven-  
teenth day of October in the year of  
our Lord one thousand seven hun-  
dred and eighty-five, and in the tenth  
year of the commonwealth.\*

Patrick Hen-  
ry, esq go-  
vernor.

### CHAP. I.

*An act to amend and reduce into one  
act, the several laws for regulating  
and disciplining the militia, and  
guarding against invasions and in-  
surrections.*

1. WHEREAS the defence and safety of the com- Preamble.  
monwealth depend upon having its citizens properly  
armed and taught the knowledge of military duty, and  
the different laws heretofore enacted being found inad-  
equate to such purposes, and in order that the same  
may be formed into one plain and regular system;

---

\* From the adoption of the constitution, until the present ses-  
sion, there had never been less than two sessions of the General  
Assembly, in each year, sometimes more, according to the exi-  
genies of the government. By an act of May 1784, chap. XX.  
(See Vol. 11, p. 387) the meeting of the General assembly was  
fixed for the third Monday in October, annually —Ever since that  
period, the sessions have been annual, except, in a few instances,  
when the assembly has been convened, for special purposes,  
under the tenth article of the constitution.

LAWS OF VIRGINIA,

Officers displaced by a former act restored.

II. *Be it enacted by the General Assembly, That the officers of the militia who were displaced and removed from office, by virtue of an act "For amending the several laws for regulating and disciplining the militia, and guarding against invasions and insurrections," are hereby reinstated, and shall take precedence of rank agreeable to the dates of the commissions they severally held prior to the passing of the said act; and vacancies supplied by appointment of the governor, with the advice of the privy council, or recommendation from the respective county courts.*

Vacancies how supplied

III. *And be it further enacted, That all free male persons between the ages of eighteen and fifty years, except the members of the council of state, members of the American congress, judges of the superior courts, speakers of the two houses of assembly, treasurer, attorney-general, auditors and their clerks, solicitor-general and his clerks, clerks of the council of state, and treasury, register of the land-office, his deputy and clerks, custom-house officers, all inspectors of tobacco, all professors, and tutors at the University of William and Mary, and other public seminaries of learning, all ministers of the Gospel, licensed to preach according to the rules of their sect, who shall have previously taken before the court of their county, an oath of fidelity to the commonwealth, post-masters, keepers of the public gaol and public hospital, millers, persons concerned at iron or lead works, or persons solely employed in repairing or manufacturing fire-arms, all of whom are exempted from the obligations of this act, shall be enrolled or formed into companies, of three serjeants, three corporals, a drummer and fifer, and not less than forty, nor more than sixty-five, rank and file; and these companies shall again be formed into regiments of not more than one thousand, nor less than five hundred men, if there be so many in the county. Each company shall be commanded by a captain, lieutenant, and an ensign; each regiment by a colonel, lieutenant-colonel, and major; and the whole by a county-lieutenant. These officers shall be resident within their county; and before they enter on the execution of their respective offices, shall take the following oath: "I*

Companies how to be formed.

*I do swear that I will be faithful and true to the commonwealth of Virginia, of which I profess myself to be a citizen; and that I will faithfully and justly execute the*

Militia how to be officered.

Officers' oath.

OCTOBER 1785—10th OF COMMONWEALTH.

11

office of a , in the militia of the county of , according to the best of my skill and judgment. So help me God." There shall be a private muster of every company once in two months, except December and January, at such convenient time and place as the captain or next commanding officer shall appoint; a muster of each regiment on some day in the month of March or April, in every year, to be appointed by the commanding officer thereof, at a convenient place near the centre of the regiment; and a general muster of the whole on some day in the month of October or November, in every year, to be appointed by the county-lieutenant, or commanding officer, at a convenient place near the centre of the county: For the times and places of the said musters, the county-lieutenant or commanding officer for the time being, shall give notice to the commanding officers of regiments; for the general muster, the commanding officers of regiments shall give notice to the commanding officers of their respective companies of such general muster and of his regimental muster; and the commanding officers of companies shall give notice of the general, regimental, and private musters, to every person of their respective companies, and to that end the commanding officers of companies shall have power to order so many of their serjeants as they shall think fit, to give such notice, which may be done by personal summons by the said commanding officer, or serjeant so ordered, or by either of them, leaving notice in writing at the usual place of abode of the person to be summoned: The notices to be given by the commanding officer of the county, and commanding officers of regiments, shall be in writing, delivered in person, or left at the usual place of abode of each person, to be notified either by such commanding officers themselves, or by such officer or officers of their respective commands as they may think fit to order; the said notices shall be given by the commanding officer of the county, to the commanding officers of regiments at least thirty days; by the commanding officers of regiments at least fifteen days; and by the commanding officers of companies at least five days, before such general, regimental, or private musters (as the case may be) shall be appointed to be had. Any officer ordered as aforesaid to give such notices, failing therein, shall for every offence for- Private muster. Regimental muster. General muster. Notices of musters how and when to be given. Penalties on failure to give notice.

LAWS OF VIRGINIA,

feit and pay five pounds; and every serjeant so failing shall forfeit and pay one pound for every such failure; to be recovered as other fines hereafter to be established.

**Equipments  
of officers &  
soldiers.**

Every officer and soldier shall appear at his respective muster-field on the day appointed, by eleven o'clock in the forenoon, armed, equipped, and accoutred, as follows: The county-lieutenants, colonels, lieutenant-colonels, and majors, with a sword, the captains, lieutenants and ensigns, with a sword and espontoon, every non-commissioned officer and private with a good, clean musket carrying an ounce ball, and three feet eight inches long in the barrel, with a good bayonet and iron ramrod well fitted thereto, a cartridge box properly made, to contain and secure twenty cartridges fitted to his musket, a good knapsack and canteen, and moreover, each non-commissioned officer and private shall have at every muster one pound of good powder, and four pounds of lead, including twenty blind cartridges; and each serjeant shall have a pair of moulds fit to cast balls for their respective companies, to be purchased by the commanding officer out of the monies arising on delinquencies.

**Exception as  
to those be-  
yond the Blue  
Ridge.**

*Provided*, That the militia of the counties westward of the Blue Ridge, and the counties below adjoining thereto, shall not be obliged to be armed with muskets, but may have good rifles with proper accoutrements, in lieu thereof. And every of the said officers, non-commissioned officers, and privates, shall constantly keep the aforesaid arms, accoutrements, and ammunition, ready to be produced whenever called for by his commanding officer.

**Poor privates  
how to be  
armed.**

If any private shall make it appear to the satisfaction of the court hereafter to be appointed for trying delinquencies under this act that he is so poor that he cannot purchase the arms herein required, such court shall cause them to be purchased out of the money arising from delinquents. The arms so purchased, shall by the commanding officer of the county, be delivered to the captain of the company to which such poor private may belong, who shall deliver such arms to the private, but they shall continue the property of the county; and if

**Penalty on  
him for sell-  
ing, &c. his  
arms.**

any private shall sell or conceal the same, the seller, concealer, and purchaser, shall each forfeit and pay four pounds, to be recovered by the commanding officer in any court of record, on ten days notice. And on the death, disability, or exemption of such poor pri-

OCTOBER 1785—10th of COMMONWEALTH.

13

vate, or his removal out of the county, such arms shall be delivered to the commanding officer of the company, who shall make report thereof to the next court to be held, as aforesaid, and deliver the same to such other poor private, as they shall direct. And if any poor private shall remove out of the county, and carry such arms with him, he shall incur the same penalty as if he had sold them. And if any person concerned in selling, purchasing, concealing or removing such arms, shall be prosecuted for the penalty, and upon conviction, shall fail to make instant payment, or give security to pay the same in such time as the court shall deem reasonable, he shall suffer such punishment as the court before whom the recovery shall be made may think fit. And the lieutenant or commanding officer for the time being, of any county, may recover any arms so sold, concealed, or removed, by action or petition, in detinue or trover, with costs. And to the end that such arms may be known, the commanding officer shall cause to be stamped or engraved on them, the name of the county, together with the number of the regiment to which they may belong. At every muster, each captain or commanding officer of a company, shall call his roll, examine every person belonging thereto, and note down all delinquencies occurring therein, and make return thereof at the next regimental or general muster, to the colonel or commanding officer of his regiment, including those which may occur on that day. Every colonel or commanding officer of a regiment, shall in like manner call his roll, examine and note down all delinquencies in his regiment, and make return thereof, together with those reported from commanding officers of companies, to the county lieutenant or commanding officer, within ten days after every general and regimental muster, who shall lay the whole, together with the delinquencies occurring to him on the like examination, before the court hereafter appointed to take cognizance of and determine on them; provided that the commanding officer of a county, or of a regiment, shall not be obliged to extend their roll calls, or individual examinations, beyond the officers, unless they observe some apparent necessity therefor. And to each of the said returns shall be annexed the following certificate, to wit: "I —— do certify that the returns hereunto annexed, contain all delinquencies which have occurred

Duty of off-  
cers at must-  
ers.

## LAWS OF VIRGINIA,

in the militia of my county, the \_\_\_\_\_ regiment, or \_\_\_\_\_ company of \_\_\_\_\_ regiment (as the case may be) since the last return, having examined the same as the law directs;" and to the county and regimental return shall be added "And that the reports which accompany them are all which have been made by the commanding officers of regiments or companies (as the case may be.)" Every captain or commanding officer of a company shall, within ten days after every regimental and general muster, make up and report to the commanding officer of his regiment, a return of his company, including all arms, ammunition, and accoutrements, by this act directed, distinguishing effective and good, from non-effective and bad, noting therein such as have died, removed, been exempted, or added, and all persons within the bounds of his company not on his roll, who ought to be inrolled. The commanding officer of each regiment shall, within fifteen days after every general muster, make the like return to the commanding officer of the county, Of the commanding officer of a regiment.

Of a county, who shall, within forty days thereafter, make the like return of the whole of his militia to the governor. Each captain or commanding officer of a company, shall, within ten days after receiving his commission and qualifying, as aforesaid, inroll all persons within his district, directed by this act to be inrolled, and shall appoint to his company, three serjeants, three corporals, a drummer and fifer, to be approved by the commanding officer of his regiment, and all vacancies which may thereafter happen, shall be filled up by appointments in like manner.

As to appointments. In all cases of death, absence, or resignation of any county-lieutenant, colonel, or captain, the next officer in rank in his respective command shall be considered as the commanding officer during the vacancy, and liable to perform the duties required by this act, and for neglect therein, shall incur the penalties annexed thereto. And whereas, it

Establishment of a light company. will be of great utility and advantage in establishing a well disciplined militia, to annex to each regiment a light company to be formed of young men, from eighteen to twenty-five years old, whose activity and domestic circumstances will admit of a frequency of training, and strictness of discipline, not practicable for the militia in general, and returning to the main body, on their arrival at the latter period, will be constantly giv-

Duty of captains as to returns.

Of the commanding officer of a regiment.

Of a county. who shall, within forty days thereafter, make the like return of the whole of his militia to the governor.

Each captain or commanding officer of a company, shall, within ten days after receiving his commission and qualifying, as aforesaid, inroll all persons within his district, directed by this act to be inrolled, and shall

As to appointments. appoint to his company, three serjeants, three corporals, a drummer and fifer, to be approved by the commanding officer of his regiment, and all vacancies which

Next officers duty on vacancy. may thereafter happen, shall be filled up by appointments in like manner.

In all cases of death, absence, or resignation of any county-lieutenant, colonel, or captain, the next officer in rank in his respective command shall be considered as the commanding officer

during the vacancy, and liable to perform the duties required by this act, and for neglect therein, shall incur the penalties annexed thereto.

And whereas, it

Establishment of a light company. will be of great utility and advantage in establishing a well disciplined militia, to annex to each regiment a light company to be formed of young men, from eighteen to twenty-five years old, whose activity and domestic circumstances will admit of a frequency of training, and strictness of discipline, not practicable for the militia in general, and returning to the main body, on their arrival at the latter period, will be constantly giv-

OCTOBER 1785.—10th OF COMMONWEALTH.

16

ing thereto a military pride and experience, from which the best of consequences will result:

IV. *Be it therefore enacted*, That the governor, with the advice of council, shall issue commissions for a captain, lieutenant, and ensign to each regiment, in the same manner as is herein directed in this act; and the said companies shall be distinguished by the following words, “*Light Company of—Regiment of—Militia*,” filling up the blanks with the number of the regiment and name of the county. Every person belonging to the said light companies, shall wear while on duty, such caps and uniforms as the executive shall direct, to be purchased by the commanding officer of the county, out of the monies arising on delinquents. The captain thereof shall, after qualifying as is directed for other officers, proceed to enlist by voluntary enlistments, in his company, a sufficient number of young men, as before described, and shall have a private muster twice in every three months. And as the men of such light company shall from time to time arrive at the age of twenty-five years, the captain shall make report thereof to the county-lieutenant, who shall order them to be enrolled in the company whose districts they may respectively live in; and deficiencies shall be supplied by new enlistments. And the said companies shall in all respects be subject to the same regulations and orders as the rest of the militia.

V. *And be it further enacted*, That the plan of major-general Baron Steuben, established in congress by their act bearing date the twenty ninth day of March, one thousand seven hundred and seventy-nine, for forming and disciplining the troops of the United States, shall be the guide for the militia of this commonwealth.

It shall be the duty of every commander of a county, regiment, and company, at every of their respective musters, to cause the militia to be exercised and trained agreeable to the said plan, under pain of being arrested and tried for breach of their duty; and for this purpose, the said officers are hereby authorized to order the most expert and fit officer in their respective companies, to perform that duty. And to the end, Steuben to be that a general knowledge thereof may be diffused, the executive is hereby authorized and required, to have a sufficient number of copies of the said plan printed and bound in boards, to afford to every commissioned offi- Steuben's discipline a. adopted. Captains duty in training. each commissioned officer

## LAWS OF VIRGINIA,

cer of the militia, one, and to deliver them to the commanders of counties to be by them distributed; and upon the death, resignation, or removal of any officer, the plan delivered him shall revert to the public; and the commanding officer for the time being, shall deliver the same to a new appointed officer who may not have received one; and for defraying the expence of so doing, shall draw on the contingent fund.

Time for pro-  
curing arms.

Officer when  
to be arrest-  
ed.

Non-commis-  
sioned officer  
and soldier  
how to be  
punished.

By-stander  
how to be  
punished.

Colours, &c.  
how to be  
procured.

Executive  
empowered  
to call for  
the militia.

When.

VI. *And be it further enacted*, That two years after the commencement of this act, shall be allowed for providing the arms and accoutrements herein directed; but in the mean time, the militia shall appear at musters with, and keep by them, the best arms and accoutrements they can get. Any officer who shall be guilty of disobedience, or other misbehaviour when on duty, or shall at any time be guilty of any conduct unbecoming the character of an officer, shall be put under an arrest by his commanding officer, and tried as hereafter shall be directed. If any non-commissioned officer or soldier shall behave himself disobediently or mutinously when on duty, on, or before any court or board directed by this act to be held, the commanding officer, court, or board, may either confine him for the day, or cause him to be bound neck and heels for any time not exceeding five minutes. If any bystander shall interrupt, molest, or insult any officer or soldier while on duty at any muster, or shall be guilty of the like conduct before any court or board, as aforesaid, the commanding officer, or such court or board may cause him to be confined for the day. The lieutenant or commanding officer of a county, shall cause to be purchased, out of the money arising from the fines, for every regiment in his county, the usual sets of colours, with such devices thereon as the executive shall direct; also a drum and fife for each company; and on the colours and drum shall be marked, the name of the county, with the number of the regiment and company to which they belong.

And whereas it is necessary that adequate powers be vested in the executive for calling forth the militia and resources of the state, in cases of invasion or insurrection, or upon any probable prospect of such invasion or insurrection:

VII. *Be it further enacted*, That the governor with the advice of the council, be authorized and empowered,

## OCTOBER 1785—10th OF COMMONWEALTH.

17

on any such invasion or insurrection, or probable prospect thereof, to call forth such a number of militia and, from such counties, as they may deem proper. And for the accommodation, equipment, and support of the forces, so at any time to be called forth, the governor, with the advice aforesaid, may appoint such quartermasters, commissaries, and other staff, as to them shall seem proper, and to fix their pay and allowances, and shall also take such measures for procuring, transporting, and issuing all stores which may be necessary, as to them shall seem best. Orders for the militia to be called forth, as aforesaid, shall be sent to the county lieutenant or commanding officer, with a notification of the place or places of rendezvous, who shall immediately take measures for detaching the same, with the necessary number and ranks of officers by detail and rotation of duty. If such detachment shall amount to one-third of a regiment, he shall send one field officer with it; if two-thirds of a regiment, two field officers; and if more than two-thirds, three field officers. The county lieutenant or commanding officer shall cause to be procured by impressment or otherwise, for each company, a waggon, team, and driver, six axes, and six camp-kettles or pots of convenient size, all which shall be delivered to the commanding officer of the company, who shall be accountable for returning the same when his tour is over; and the articles aforesaid shall be returned to the owners, who shall be allowed for the use of the same whatever may be adjudged by the court hereinafter appointed for enquiring into delinquencies. And to the end, that if any article impressed, be lost, the owner may be paid for the same, the county lieutenant or commanding officer shall cause all property by him impressed by virtue of this act, to be valued by two or more disinterested freeholders, on oath, before the same shall be sent away; and upon proof being made to the said court of any article being lost, the valuation thereof shall be allowed, without any allowance for the use, and the said allowance shall be certified to the auditors of public accounts. The said court shall make enquiry into the cause of such loss, and if it shall appear that the said loss was occasioned by the misconduct or inattention of any officer, the county lieutenant or commanding officer is hereby authorized to prosecute a suit against such officer.

Vor. xxi.

6

To appoint staff.

How to call forth.

County-lieutenant's duty in sending officers.

In impressments.

Hire to be paid for impressed articles.

Lost articles how to be paid for.

## LAWS OF VIRGINIA,

ficer for the recovery of damages for the use of the com-  
 monwealth. If it shall appear to the executive, upon  
 calling forth the militia, as aforesaid, that the necessary  
 number and ranks of officers will not attend the de-  
 tachments for regimenting and officering them at the  
 places of rendezvous, the governor, with advice of the  
 council, is hereby authorized to appoint such field of-  
 ficers as may be necessary, from the counties called  
 upon, as they may think proper, to join the forces so  
 raised; and the senior officer shall arrange, and com-  
 mand the whole, and appoint the usual regimental staff.  
 And if a general officer, or officers, shall, in the opinion of  
 the executive, be necessary, either on account of the  
 number of troops or importance of the service, the gov-  
 ernor, with advice of the council, shall appoint and  
 commission, one or more brigadiers general, for the  
 then existing occasion, who are hereby authorized to  
 appoint, each, an aid-de-camp, brigade major, and  
 brigade quarter-master. If a sudden invasion shall be  
 made into any county in this commonwealth, or in case  
 of an insurrection in any county, the county lieutenant  
 is hereby authorized and required to order out the  
 whole, or such part of his militia as he may think ne-  
 cessary, and in such manner as he may think best for  
 repelling or suppressing such invasion or insurrection;  
 and shall call on the lieutenants or commanding officers  
 of the adjacent counties, for such aid as he may think  
 necessary, who shall forthwith in like manner furnish  
 the same. And for assembling the militia required upon  
 such occasions, or by orders of the executive, the same  
 measures shall be taken to summon them, as is directed  
 in the case of musters. Whenever any militia shall be  
 called forth into actual service, as aforesaid, they shall  
 be governed by the articles of war which were last in  
 force in the continental army during the last war; and  
 courts-martial shall be held, as are therein directed; but  
 to the cashiering of any officer, or capital punishment  
 of any person, the approbation of the executive shall  
 be necessary. And whenever any militia shall be in  
 actual service, they shall be allowed pay and rations,  
 as follows, to commence from the time of rendezvousing  
 in their counties, and to end, on being discharged, to  
 wit: A brigadier general, one hundred dollars per  
 month, and twelve rations of provisions and five ra-  
 tions of forage for himself and family, per day; an aid-

Executive  
 when to ap-  
 point field  
 officers.

When to ap-  
 point a brig-  
 adier.

County lieu-  
 tenant's duty  
 on invasion &  
 insurrection.

Militia in ac-  
 tual service,  
 how to be go-  
 verned.

Pay and ra-  
 tions of mili-  
 tia.

OCTOBER 1785—10th of COMMONWEALTH.

19

de-camp, thirty dollars per month; a colonel, seventy five dollars per month, and six rations of provisions and two rations of forage, per day; a brigade major, thirty dollars per month, four rations of provisions and two rations of forage, per day; a brigade quarter-master, thirty dollars per month, and three rations of provisions and one ration of forage per day; a lieutenant colonel, sixty dollars per month, and five rations of provisions and two rations of forage per day; a major, fifty dollars per month, and four rations of provisions and two rations of forage, per day; a captain, forty dollars per month, and three rations of provisions, per day; a lieutenant, twenty-seven dollars and two-thirds per month, and two rations of provisions, per day; an ensign, twenty dollars per month, and two rations of provisions, per day; a surgeon, sixty dollars per month, and three rations of provisions and two rations of forage, per day; a quarter-master, twenty dollars per month, and two rations of provisions and one ration of forage, per day; a pay-master, forty dollars per month, and two rations of provisions and one ration of forage, per day; an adjutant, twenty-four dollars per month, and two rations of provisions and one ration of forage, per day; a quarter-master serjeant, eight dollars per month, and one ration per day; a serjeant, eight dollars per month, and one ration per day; a corporal, seven dollars per month, and one ration per day; a private, five dollars and one half dollar per month, and one ration per day. And should any of the staff be of the line, the allowances herein given shall include what they may receive in the line. A ration of provisions shall consist of one pound of fresh beef or pork, or three quarters of a pound of salt pork, one pound of wheat bread or flour, or one pound and a quarter of corn meal; one gill of rum, when to be had, and one quart of salt, one quart of vinegar, two pounds of soap, and one pound of candles, to every hundred rations; but in case salt meat be issued, the salt to be withheld; and a ration of forage, of ten quarts of corn or oats, and fourteen pounds of hay or fodder. And moreover, every militia-man, upon his discharge from actual service, shall be entitled to and receive one day's pay for each twenty miles such place of discharge shall be distant from his place of abode. And should the executive at any time find it expedient to retain the

## LAWS OF VIRGINIA,

whole or any part of the rations of provisions or forage herein allowed to officers, and to allow a composition in money, they are hereby empowered to do so.

## Patrollers.

VIII. *And be it further enacted*, That the commanding officer of the militia in every county, shall from time to time, as he shall deem it necessary, appoint an officer, and so many men of the militia as to him shall appear necessary, not exceeding four, once in every month, or oftener, if thereto required by such officer, to patrol and visit all negro quarters and other places suspected of entertaining unlawful assemblies of slaves, servants, or other disorderly persons, as aforesaid, unlawfully assembled, or any others strolling about from one plantation to another, without a pass from his or her master, mistress, or owner, and carry them before the next justice of the peace, who, if he shall see cause, is to order every such slave, servant, stroller, or other disorderly person, as aforesaid, to receive any number of lashes, not exceeding twenty, on his or her back; and in case one company of patrollers shall not be sufficient, to order more companies for the same service. And after every patrol, the officer of each party shall return to the captain of the company to which he belongs, a report in writing upon oath (which oath such captain is hereby empowered to administer) of the names of those of his party who were upon duty, and of the proceedings in such patrol; and such captain shall once in every month deliver such patrol-returns to the commanding officer of the militia, by whom they shall be certified and delivered to the next court-martial; and if they shall adjudge the patrollers to have performed their duty according to law, the chief officers shall certify the same to the county court, who are thereupon empowered and required to levy twenty pounds of tobacco, or three shillings for every twelve hours each of them shall so patrol. And every commanding officer failing to appoint patrollers according to the directions of this act, shall forfeit and pay ten pounds; and every person appointed to patrol, failing to do his duty, shall forfeit and pay twenty shillings for every such failure; which fines shall be laid, collected, accounted for, and appropriated, as is tain tribunals, be described, and instituted for the trial

Courts for  
, officers  
herein directed, for laying, accounting for, and ap-  
propriating the several fines and penalties by this  
act directed. And whereas it is necessary that cer-

OCTOBER 1785—10th of COMMONWEALTH.

21

of offences, as they are to be viewed in a military light, as well as for enquiring into delinquencies and assessing fines thereon.

**IX. Be it therefore enacted,** That the governor, with the advice of council, shall have power to arrest the county-lieutenant, or commanding officer of a county, and all other officers, for any misconduct whatever, and upon trial and conviction, may censure or cashier them.

All officers under the county-lieutenant, or commanding officer of a county, may also be arrested by such commanding officer, and reported to the governor for trial, or at the option of such commanding officer, a

general court-martial, to consist of thirteen officers, may, by his order, be held in the county for trial of such as shall be under the rank of a field-officer. The president of the said court shall be a field-officer, and six at least of the members shall be captains; and where

there is not a sufficient number of officers in any county to constitute a court, where the arrest is made, the commanding officer of such county may call upon as many officers from the adjacent counties as will be sufficient to make up a court, and such court may, on conviction, censure or cashier any officer so tried, and their sentence shall be final; saving to such officer an appeal to the executive if he shall think proper, in which case the commanding officer shall furnish him with a copy of the proceedings of the said court. Any non-commissioned officer or soldier offending, shall be tried by a like general court-martial, and may, on conviction, be censured or fined, at the discretion of the court.

For obtaining the necessary evidence for the trials aforesaid, the governor, or commanding officer of the county (as the case may be) shall issue his summons, and any person so summoned, failing to attend, shall forfeit and pay, upon a summons from the governor, ten pounds, and upon a summons of the commander of a county, five pounds; to be reported by the commanding officer amongst other delinquencies, to the court aforesaid.

**X. And be it further enacted,** That the commander of a county shall, on some day in the months of May and November (his general muster being over) summon all his field-officers and captains, a majority of whom, one being a field-officer, shall form a court of enquiry and assessment of fines. The said court shall take the following oath, to be administered by any one

## LAWS OF VIRGINIA,

of the field-officers to the other members, and afterwards by any one of them to him, to wit: "I —— do swear that I will truly and faithfully enquire into all delinquencies which appear on the returns to be laid before me; and will assess the fines thereon as shall seem just, without favour, partiality, or affection. So help me God."

The county lieutenant shall then lay before the said court, all the delinquencies as directed by this act, whereupon they shall proceed to hear and determine

**Fines, how to be collected;** on them. All fines to be assessed by virtue of this act, shall be collected by the sheriff of the county, upon a list thereof certified by the commanding officer, and delivered to the sheriff on or before the first day of Janu-

ary, in every year, who shall account for the same to the county-lieutenant or his successor, in the manner directed, and be allowed the same commission as for other public monies, on or before the first day of No-

ember in the same year, and on failure, the commanding officer, or his successor, shall, on ten days previous notice, obtain judgment for the same in the county

court, with costs. And should any person so charged with fines, fail to make payment on or before the first day of May, in any year, the sheriff is hereby authorized to make distress and sale therefor, in the same

manner as is directed in the collection of the taxes.

The commanding officer of every county shall, on or before the thirty-first day of December, in every year, render to the executive an account upon oath, of all monies which have come into his hands by virtue of his office, and of his disbursements; and if there shall

remain any money in his hands, the same shall be paid into the treasury, in aid of the contingent fund. And

for enforcing obedience to this act,

**When accounted for with the executive.**

The commanding officer of every county shall, on or before the thirty-first day of December, in every year, render to the executive an account upon oath, of all monies which have come into his hands by virtue of his office, and of his disbursements; and if there shall

remain any money in his hands, the same shall be paid into the treasury, in aid of the contingent fund. And

for enforcing obedience to this act,

**Forfeitures and delin-** XI. *Be it enacted*, That the following forfeitures and

**quencies.** penalties shall be incurred for delinquencies, viz. By the county-lieutenant or commanding officer of a county,

for failing to take any oath, to summon any court or board, to attend any court or board, to transmit any recommendation of an officer or officers to the

governor, to deliver any commission or commissions, to appoint a general muster, to attend such muster armed as required, to report delinquencies, to make a general return of his militia to the governor, as is

directed by this act, shall for each and every such of-

fence or neglect, forfeit and pay twenty pounds; failing

to send into actual service any militia called for by the

**County lieu-**  
tenant.

OCTOBER 1785—10th OF COMMONWEALTH.

23

governor, or to turn out his militia upon an invasion or insurrection of his county, fifty pounds: By a colonel, for failing to take any oath, to attend any court or board, to appoint a regimental muster, or give notice of any general muster, to examine his regiment, to report delinquencies, or to make any return, as directed by this act, he shall forfeit and pay for each and every offence or neglect, ten pounds; failing to call forth from his regiment, with due dispatch, any detachment of men and officers, armed and equipped, as shall from time to time be required by the commanding officer on any call from the governor, invasion of, or insurrection in his county, or requisition of any neighbouring county, twenty-five pounds: Lieutenant-colonel or major, for failing to take any oath, to attend any court or board, to attend any muster armed as is herein directed, they shall respectively for each and every such offence or neglect, forfeit and pay eight pounds; failing to repair to their rendezvous when summoned upon any call of the governor, invasion of, or insurrection in the county, or requisition of the commander of a neighbouring county, they shall each forfeit and pay sixteen pounds: By a captain, for failing to take an oath, to attend any court, to inroll his company, to appoint private musters, to give notice of a general or regimental muster, to attend any muster armed, to call his roll, examine his company, and report delinquencies, to make any return, as directed by this act, he shall forfeit and pay for each and every such offence and neglect, six pounds; failing to call forth such officers and men, as the commanding officer from time to time shall order from his company, upon any call from the governor, invasion of, or insurrection in the county, or requisition from an adjacent county, or failing on any such occasion to repair to the place of rendezvous, he shall forfeit and pay twelve pounds: By a subaltern officer, for failing to take any oath, to attend any court or muster, armed as directed, for each of the said offences he shall forfeit and pay three pounds; failing to repair to the place of rendezvous, armed as required, when ordered upon any call from the governor, invasion of, or insurrection in the county, or requisition from a neighbouring county, he shall forfeit and pay six pounds: And moreover, the said officers for any of the said offences, shall be liable to be arrested and

Colonel.

Captain.

Subaltern.

## LAWS OF VIRGINIA,

Non commis-  
ed officers  
and soldiers.

tried for the same as military offenders: By a non-commissioned officer or soldier, for failing to attend at any muster with the arms, ammunition and equipments, as directed by this act, he shall forfeit and pay ten shillings; failing to repair to his rendezvous when ordered upon any call from the governor, invasion of, or insurrection in the county, or requisition from a neighbouring county, he shall forfeit and pay two pounds.

Arms ex-  
empted from  
execution;  
& men when  
from arrest.

All arms, ammunition, and equipments, of the militia, shall be exempted from executions and distresses at all times, and their persons from arrests in civil cases, while going to, continuing at, or returning from musters, and while in actual service.

Officers of  
court.

Each court or board, by this act directed to be held, are empowered to appoint a clerk and provost-martial; such clerk shall keep a fair record of their proceedings, and together with the said provost-martial, receive such allowance, to be paid out of the fines arising from delinquencies,

Lost arms,  
when to be  
paid for.

as the said court or board shall think reasonable. No arms or accoutrements, which may hereafter be lost in service, shall be paid for by the public, unless the loser shall be killed, wounded, or otherwise incapacitated in the opinion of a court-martial, from preserving his arms.

Williams-  
burg and  
Norfolk.

The militia of the city of Williamsburg and borough of Norfolk, shall have their officers appointed, and be under the same rules and regulations as the different counties.

Resignation  
of officers.

XII. *And be it further enacted*, That the county-

Quakers and  
menonists.

lieutenant or commanding officer of each county, is hereby empowered to receive the commission of any captain, or other inferior officer in his county, who may think proper to resign, and shall notify such resignation to the next succeeding court, in order that such vacancies may be then supplied: *Provided*, That nothing herein contained shall be construed or taken to deprive the people called quakers or menonists, of any privilege granted them by any former law. *Provided also*, That the governor, with advice of the council, is hereby empowered to suspend the operation of this act in the counties on the western waters, so long as they may think proper.

Power to  
suspend.

XIII. All and every act and acts heretofore made for regulating and disciplining the militia, and guarding against invasions and insurrections, shall be, and the same are hereby repealed.

Repealing  
clause.